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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,078	01/16/2002	Takao Ozaki	Q67364	2433
23373	7590	01/28/2004	EXAMINER	
SUGHRUE MION, PLLC			FEGGINS, KRISTAL J	
2100 PENNSYLVANIA AVENUE, N.W.			ART UNIT	
SUITE 800			PAPER NUMBER	
WASHINGTON, DC 20037			2861	

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/046,078

**Applicant(s)**

OZAKI ET AL.

**Examiner**

K. Feggins

**Art Unit**

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-8 is/are allowed.
- 6) ☒ Claim(s) 1,9-14 and 17 is/are rejected.
- 7) ☒ Claim(s) 15 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some    c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The indicated allowability of claims 11-13 is withdrawn in view of the Applicant's Admitted Prior Art (AAPR). Rejection is as follows.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1, 9, 11, 12, 14 & 17 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's Admitted Prior Art (AAPA).

**AAPA (the specification pgs. 1- 4 & figs 21-22) discloses the following claimed limitations:**

\* an apparatus for recording a two-dimensional image on a recording sheet held on an outer circumferential surface of a drum rotated by a rotational drive source by scanning the recording sheet with a recording head in a main scanning direction perpendicular to an axis of said drum and moving said recording head with an auxiliary scanning direction moving means in an auxiliary scanning direction extending along the axis of said drum which is substantially perpendicular to said main scanning direction (the specification, pg. 1, line 15-pg. 2, line 1, figs 21-22)

\* wherein said recording head comprises means for recording an image on the recording sheet held on the outer circumferential surface of the drum (the specification, pg. 2, line 1) in at least one of (1) an accelerating period in which said rotational drive

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source accelerates said drum from a stop to a constant rotational speed and (2) a decelerating period in which said rotational drive source decelerates said drum from said constant rotational speed to a stop (the specification, pg. 2, lines 10-13, figs 21-22).

\* wherein said apparatus records an image with a light beam outputted from said exposure/recording/ head to said recording sheet as a light beam image recording apparatus (the specification, pg. 2, lines 24-27, pg. 3, line 1).

\* a method of recording an image with an image recording apparatus for recording a two-dimensional image on a recording sheet held on an outer circumferential surface of a drum rotated by a rotational drive source by scanning the recording sheet with a recording head in a main scanning direction perpendicular to an axis of said drum and moving said recording head with an auxiliary scanning direction moving means in an auxiliary scanning direction extending along the axis of said drum which is substantially perpendicular to said main scanning direction, recording an image on the recording sheet held on the outer circumferential surface of the drum with said recording head in at least one of an accelerating period in which said rotational drive source accelerates said drum from a stop to a constant rotational speed and a decelerating period in which said rotational drive source decelerates said drum from said constant rotational speed to a stop (the specification, pg. 1, line 15-pg. 2, lines 1, 10-13, figs 21-22).

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\* an apparatus for recording a two dimensional image on a recording sheet placed on a circumferential surface of a drum rotated by a rotational drive source by scanning the recording sheet with a recording head in a main scanning direction perpendicular to an axis of said drum and moving said recording head with an auxiliary scanning direction moving means in an auxiliary scanning direction extending along the axis of said drum which is substantially perpendicular to said main scanning direction, wherein said recording head comprises means for recording an image on the recording sheet moved by rotation of the drum is at least one of an accelerating period in which said rotational drive source accelerates said drum up to a constant rotational speed and a decelerating period in which said rotational drive source decelerates said drum from said constant rotational speed (the specification, pg. 1, line 15-pg. 2, lines 1, 10-13, figs 21-22).

\* a method of recording an image with an image recording apparatus for recording a two dimensional image on a recording sheet placed on a circumferential surface of a drum rotated by a rotational drive source by scanning the recording sheet with a recording head in a main scanning direction perpendicular to an axis of said drum and moving said recording head with an auxiliary scanning direction moving means in an auxiliary scanning direction extending along the axis of said drum which is substantially perpendicular to said main scanning direction, said method comprising the step of: recording an image on the recording sheet moved by rotation of the drum with said recording head in at least one of an accelerating period in which said rotational

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drive source accelerated said drum up to a constant rotational speed and a decelerating period in which said rotational drive source decelerates said drum from said constant rotational speed (the specification, pg. 1, line 15-pg. 2, lines 1, 10-13, figs 21-22).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10 & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants Admitted Prior Art (AAPA) in view of Johnson et al. (US 5,889,534).

**AAPA (in the specification, pgs 1-4) discloses all of the claimed limitations except for the following:**

\* wherein said apparatus records an image by applying an ink from an ink jet recording head to said recording sheet as an external surface-scanning ink-jet image recording apparatus.

**Johnson et al. disclose the following claimed limitations:**

\* wherein said apparatus records an image by applying an ink from an ink jet recording head to said recording sheet as an external surface-scanning ink-jet image recording apparatus for the purpose of providing an ink jet printer capable of accurately positioning ink dots on the printed image thereby achieving accurate reproduction of the desired image.

It would have been obvious at the time of the invention was made to a person having ordinary skill in the art to utilize an apparatus that records an image by applying an ink from an ink jet recording head to said recording sheet as an external surface-scanning ink-jet image recording apparatus, taught by Johnson et al. into AAPA (specification pgs 1-4) for the purpose of providing an ink jet printer capable of accurately positioning ink dots on the printed image thereby achieving accurate reproduction of the desired image.

***Allowable Subject Matter***

6. Claims 2-8 are allowed.

Claims 15-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: The primary reason for indicating the allowance of claims 2-8 is the inclusion of the limitations of an apparatus for recording that includes a recording position correcting means for correcting the position in which a recording head records an image on a recording sheet depending on a peripheral speed of a drum in at least one of an accelerating period and a decelerating period and recording output correction means for correcting means for correcting a recording output from said recording head depending on the peripheral speed of the drum. It is these limitations found in the claim, as it is claimed in the combination of, which has not been found, taught or suggested by the prior art of record that makes these claims allowable.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Salomon et al. (US 5,953,034) disclose an ink jet transfer printing with an ink jet head and drum. The ink jet print head for printing ink onto the drum that transfers the ink to a print medium. Baumann (US 5813347) disclose a device and a method for controlling a printing machine particularly a franking machine drum.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1, 9-14 & 17 have been considered but are moot in view of the new ground(s) of rejection. Please see the above rejection with regards to claims 1, 9-14 & 17. Also, pages 1-4 of the specification, Applicant Admitted Prior Art (AAPA) refer to figs 21 & 22. Figure 21 is prior art and figure 22 is conventional art (see figure and brief description of drawings).




### **Communication With The USPTO**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Feggins whose telephone number is 703-306-4548.

The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 703-308-4896. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

  
K. Feggins  
January 16, 2004

